IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 1ST OCTOBER 2007 / 9TH ASWINA 1929

CRP.No. 665 of 2004(F)

OP(ELE.)53/1999 of ADDL. DISTRICT COURT, PATHANAMTHITTA
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REVN. PETITIONER: RESPONDENT:

POWER GRID CORPORATION OF INDIA LTD.,
LOCAL OFFICE, NANGIARKULANGARA,
KAYAMKULAM, REPRESENTED BY MANAGER.

BY ADV. SRI.K.P.DANDAPANI (SR.)

RESPONDENTS: PETITIONER:

O. SYAMALA KUMARI, PARANKIMAM VILA
KIZHAKETHIL, CHOORAKKODU P.O.,
ERATHU VILLAGE, ADOOR TALUK.

BY ADV. SRI.G.UNNIKRISHNON

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 01/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N. KRISHNAN, J.

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C.R.P. NO. 665 OF 2004

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Dated this the 1st day of October, 2007.

O R D E R

This revision petition is preferred against the order of the Addl. District Judge, Pathanamthitta in OP(Ele) 53/99. The learned counsel for the petitioner had brought before me a judgment of this Court in CRP 50/05 and it was filed against the decision in the very same OP filed by the claimant. Now, the present revision petition is preferred by the respondent in the said CRP. This Court has set aside the order and remitted the matter to the Court below for fresh disposal in accordance with law. Now, after the disposal of the said CRP the apex Court had remitted back the matter in ***Kumba Amma v. K.S.E.B. (2000 (1) KLT 542)*** and directed that the matter has to be considered depending upon the facts and circumstances of each case as laid down and discussed in ***K.S.E.B. v. Livisha (2007 (3) KLT page 1)***. Therefore, the order under challenge is set aside the Court is directed to

reconsider the matter in the light of the latest decision of the Apex Court referred to above. The parties are directed to appear before the Court below on 2.11.07 and needless to say that they can adduce further evidence in the light of the fact that each case has to be decided on the facts and circumstances of that case.

The C.R.P. is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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